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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,215	05/15/2001	Sid Haddad		3058

7590 02/10/2004

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EXAMINER

JASMIN, LYNDIA C

ART UNIT PAPER NUMBER

3627

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,215

Applicant(s)

HADDAD, SID

Examiner

Lynda Jasmin

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-15 and 17-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15, 17-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment received December 01, 2003 has been entered. Claims 1-8 have been cancelled, and claims 25-27 have been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-15 and 17-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (6,282,522 B1), in view of Rose et al. (5,757,917).

As best understood, Davis et al. discloses a network communication electronic commerce system for the secure online purchase of goods and services from a plurality of merchant vendors by a plurality of buyer members including:

a buyer member processor (via 204) for each buyer member to selectively purchase goods and services upon a request to any of the merchant vendors (208) through a debit account (stored value card) (col. 15, lines 32-36),

a merchant vendor processor (via 208) for each merchant vendor to selectively provide such goods and services upon receipt of a purchase request and validation of the debit account balance of any requesting buyer members (via merchant code module; col. 18, lines 47-60),

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a purchase authorization processor (via 206) to maintain and validate the debit account of requesting buyer members and to authorize payment to merchant vendors for goods and services purchased through the network communication electronic commerce system (col. 17, lines 12-65).

Further, the buyer member processor (204) has means (via 234) to selectively order or request goods and services from a merchant vendor through the merchant vendor processor (208) and to communicate (via 236) with the purchase authorization processor (206) to maintain and access the buyer member account.

The merchant vendor processor (206) has a means to receive purchase requests from a buyer member processor (via 234) and to generate and transmit validation/authentication inquiries upon receipt of purchase requests to the purchase authorization processor (via 238) and to receive discrete buyer member authorization message in response thereto and to fill purchase requests upon receipt of the corresponding discrete buyer member authorization message and receive payment therefore (col. 14, lines 4-25).

Davis further discloses the purchase authorization processor (206) has means including an online buyer member account balance data section (via secure card 220) to maintain current account balances for each buyer member and to selectively generate discrete buyer member authorization messages fed to the merchant vendor processor when the account balance of a requesting buyer member is sufficient to cover the goods or services requested and to notify the buyer member processor of the purchase authorization (col. 11, lines 48-67). Davis et al. further discloses online buyer

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member may purchase complete card with stored-value or the buyer may later add value to the card. Davis et al. also discloses the purchase authorization is implemented through a central function through a central clearing organization to authorize the merchant vendor having a corresponding merchant vendor processor to sell goods and services to requesting buyer members (col. 7, lines 15-25). Each buyer member establishes a debit account by depositing an amount with the central clearing organization (col. 7, lines 33-35), wherein the deposit is made online through the buyer member processor (since the card may be a virtual card).

However, Davis et al. fails to explicitly disclose that the debit account is associated with a discrete e-mail address.

Rose et al. discloses a computerized payment system with the concept of having a debit account (100) associated with a discrete e-mail address (104). The buyer (20) is assigned a unique e-mail address for each buyer member account is associated only with unique e-mail address (col. 5, lines 54-56).

From this teaching of Rose et al. it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modify Davis et al. to include the unique buyer email address as taught by Rose et al. for validation purposes. Payment request message can be immediately send the buyer over the Internet via email to verify buyers card number.

As per claims 18-21, Davis et al. further discloses the purchase authorization processor includes an off-line buyer data base (via security cards 218) to prove that incoming debit command is a valid command from a real security card and ensure that

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the stored card of the buyer member is debited, that the financial totals in the security card are updated (col. 17, lines 1-16). Further, the off-line buyer member database includes means to determine the specific amount to be paid each merchant vendor for each product or service purchased by buyer members after deducting a clearing charge for the corresponding purchase (via step 518). In another embodiment, Davis et al. discloses memory to maintain both account and purchase histories of each buyer member off line to further protect purchasing habits and account funds of the buyer member (via keeping a record of frequent flyer miles and award point).

Response to Arguments

4. Applicant's arguments filed December 01, 2003 have been fully considered but they are not persuasive.

The examiner respectfully disagrees with Applicant argument that "although Rose and Davis describe similar functionality as that of applicant's invention, there is no teaching or motivation to combine these two (2) references to render Applicant's invention obvious". It is the Examiner's position that Davis discloses very elements of the claimed invention except for explicitly disclosing that the debit account is associated with a discrete e-mail address. Rose et al. discloses a computerized payment system with the concept of having a debit account (100) associated with a discrete e-mail address (104). The buyer (20) is assigned a unique e-mail address for each buyer member account is associated only with unique e-mail address (col. 5, lines 54-56). Therefore, from this teaching of Rose et al. it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to have modify Davis et al. to include the unique buyer email address for each user of the internet as taught by Rose et al. for validation purposes and to facilitate authorization for transaction payment for each buyer. Payment request message can be immediately send the buyer over the Internet via email to verify buyers card number.

Further, Applicant has not discussed the references applied against the claims, with explanations of how the claims avoid the references or distinguish from them. A general allegation that the claims define a patentable invention without specifically pointing out how *the language of the claims* patentably distinguishes them from the references does not comply with the requirements of the reply by Applicant to a non-final Office action.

Since Applicant's reply has not presented arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references, the rejection over the prior art has not been withdrawn.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

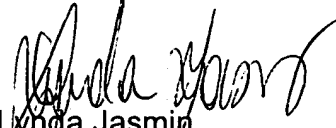
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
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